

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

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WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA
BY 

MARK K. PENN #552071

CIVIL ACTION NO: 13-0830 (P)

VERSUS

JUDGE DONALD E. WALTER

VICTOR E. JONES, JR.

MAGISTRATE JUDGE KIRK

JUDGMENT

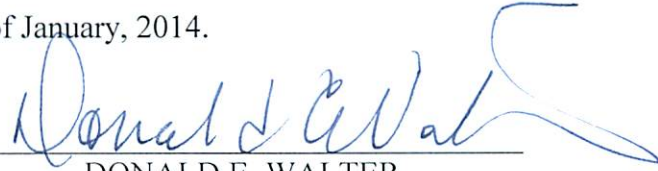
For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that Plaintiff's complaint and amended complaint be **DENIED AND DISMISSED** with prejudice as frivolous and failing to state a claim for which relief can be granted, pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A.

IT IS FURTHER ORDERED that Plaintiff's request to voluntarily dismiss his complaint and receive a refund of his filing fee is hereby **DENIED**. The obligation to pay a filing fee attaches at the time of filing and remains despite the disposition of the case. *Johnson v. Rhodes*, 2000 WL 960495 (5th Cir. 2000).

The Clerk of Court is instructed to send a copy of this Judgment to the keeper of the three strikes list in Tyler, Texas.

THUS DONE AND SIGNED, this 2 day of January, 2014.


DONALD E. WALTER
UNITED STATES DISTRICT JUDGE